

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

<b>VINCENT JOHN MERTES,</b>	)	<b>Civil Action No. 7:12-cv-00364</b>
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>ZYCH,</b>	)	<b>By: Hon. Michael F. Urbanski</b>
<b>Respondent.</b>	)	<b>United States District Judge</b>

In accordance with the accompanying Memorandum Opinion entered this day, it is hereby

**ORDERED**

that respondent's motion for summary judgment is **GRANTED** and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to petitioner and counsel of record for respondent.

Entered: December 21, 2012

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge